

REMARKS

In response to the Restriction Requirement dated February 22, 2006, Applicants have elected with traverse, Group I, claims 1, 3, 4, and 11-13, and the polynucleotide sequence set forth in SEQ ID NO:160 for examination at this time. Applicants have canceled non-elected claims 2, 5-10 and 14-17 and Claim 11 has been amended solely to remove recitation of non-elected subject matter. No new matter has been added. The above amendment is made without prejudice to prosecution of any subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application.

Applicants respectfully traverse the Examiner's requirement for a further restriction (not election of species) as outlined on page 7 of the Restriction Requirement. The Examiner alleges that since the sequences were isolated by a PCR-based subtraction of cDNA libraries they represent different and distinct DNA derived from different genes.


Applicants note that the recited polynucleotide sequences are not derived from different genes. In fact, the polynucleotides of SEQ ID NOs:128, 129, 132, 160, 167, 168, 254, 358, 370-375, and 431 are all related one to the other in that each of these polynucleotides corresponds to a different region of or the complete sequence of the same lung tumor antigen, referred to as L762P (see, for example, the specification as filed at page 151, lines 7-17 and the section entitled "Brief Description of the Sequence Identifiers" beginning on page 9). Thus, a search directed to one of these polynucleotides will necessarily identify art related to the other polynucleotides. Accordingly, Applicants submit that it would not be an undue burden on the Examiner to simultaneously search the art related to the elected polynucleotide of SEQ ID NO:160 and the other polynucleotides of SEQ ID NOs:128, 129, 132, 167, 168, 254, 358, 370-375, and 431. Applicants, therefore, respectfully request that claims of Group I directed to polynucleotides of SEQ ID NO:106 and SEQ ID NOs:128, 129, 132, 167, 168, 254, 358, 370-375, and 431 be combined in a single application in accordance with the requirements of 35 U.S.C. § 121 and 37 CFR 1.141.

Application No. 10/623,155  
Reply to Restriction Requirement dated February 22, 2006

Consideration of elected claims 1, 3, 4, and 11-13 is now requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
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